

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES V. FARNSWORTH,

Plaintiff,

v.

TEDDI ARMSTRONG, *et al.*,

Defendants.

Case No. C20-5007-MJP-MLP

ORDER STRIKING PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT

This is a civil rights action brought under 42 U.S.C. § 1983. Plaintiff Charles Farnsworth alleges in this action that Defendants have violated his rights under the Eighth and Fourteenth Amendments by denying him access to medications necessary to treat his mental health issues and an irregular heartbeat. (*See* dkt. # 42.) Plaintiff identified the following Defendants in his complaint: Teddi Armstrong (psychiatric nurse); Jackie Brennan (nurse); Dr. Gage (DOC Chief of Psychiatry); the Washington State Department of Corrections; and “Five Unknown Health Care Providers.” (*See id.* at 3-4.)

Service was ordered on Defendants Armstrong, Brennan, and Gage. (Dkt. # 11.) The Washington State Department of Corrections was subsequently dismissed as it was not deemed a

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1 proper Defendant in this action. (*See* dkt. # 40 at 4-6; dkt. # 55.) The “Five Unknown Health
2 Care Providers,” though not dismissed, were not served either because of a lack of sufficient
3 identifying information. (Dkt. # 40 at 6.) Plaintiff was advised that if he wished to proceed
4 against these individuals he would have to provide the Court with additional identifying
5 information. (*Id.*)

6 Plaintiff subsequently sought leave to amend his pleading to incorporate into this action
7 the Defendants whom he had listed in his complaint as “Five Unknown Health Care Providers,”
8 but whose names he had since acquired through discovery. (Dkt. # 78.) Among the individuals
9 Plaintiff sought to add to this action by way of amendment was Dr. James J. Edwards, a medical
10 doctor at Washington State Penitentiary. (Dkt. # 78-1 at 2.) Defendants opposed Plaintiff’s
11 motion to amend, arguing that the proposed amendment would be futile because Plaintiff had not
12 adequately stated a claim for relief against any of the proposed new defendants. (Dkt. # 79.) This
13 Court agreed and, on September 13, 2021, issued an Order denying Plaintiff’s motion to amend.
14 (Dkt. # 86.) As to Dr. Edwards, the Court concluded that Plaintiff had not stated a valid Eighth
15 Amendment claim because he had alleged nothing more than a difference of opinion between
16 medical professionals concerning his course of treatment. (*See id.* at 3-6.)

17 On September 1, 2021 prior to this Court issuing a ruling on Plaintiff’s motion to amend,
18 Plaintiff filed a motion for partial summary judgment in which he argued that he was entitled to
19 judgment as a matter of law against Dr. Edwards. (Dkt. # 82.) However, because Dr. Edwards is
20 not a Defendant to this action, nor has he ever been a Defendant, Plaintiff’s motion is moot.

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1 Accordingly, the Court ORDERS as follows:

2 (1) Plaintiff's motion for partial summary judgment (dkt. # 82) is STRICKEN as
3 moot.

4 (2) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
5 Defendants, and to the Honorable Marsha J. Pechman.

6 Dated this 1st day of November, 2021.

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9 MICHELLE L. PETERSON
10 United States Magistrate Judge
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